

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 09/964,337

Atty. Docket No. Q66004

REMARKS

Claim 7 is herein cancelled without prejudice or disclaimer. Claims 1 - 9 were previously pending. Accordingly, claims 1 - 6 and 8 - 9 are presently pending in the application.

Applicant thanks the Examiner for withdrawing the 35 U.S.C. § 1.112, first paragraph, rejection of claims 8 and 9 (as indicated in the Advisory Action of March 26, 2004).

I. Rejection of Claims 1 - 4, 6 and 9 Under 35 U.S.C. § 102 in View of U.S.P. No. 6,269,184 to Spaulding

Claims 1 - 4, 6 and 9 stand rejected under 35 U.S.C. § 102 in view of U.S.P. No. 6,269,184 to Spaulding. This rejection is respectfully traversed as follows.

Applicant has carefully reviewed the Spaulding reference, including the particularities of the Examiner's thesis for rejection. While Applicant respectfully disagrees with the Examiner's thesis (as to what the Spaulding reference discloses), Applicant nonetheless (in the interest of furthering prosecution of this application) has herein amended independent claims 1 and 6 to include subject matter that was discussed in the interview with the Examiner on March 11, 2004 (subject matter that was noted as being potentially allowable).

Accordingly, Applicant respectfully asserts that independent claims 1 and 6 are patentable over the Spaulding reference at least because of the recited subject matter of displaying the color reproduction image *together with* information as to a distance in the second color space, the *distance noting a color difference* of two points on the color reproduction image.

Applicant further asserts that dependent claims 2 - 4 are patentable at least by virtue of their dependency upon amended independent claim 1.

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As to independent claim 9, Applicant respectfully traverses the above-noted rejection in view of Spaulding as follows.

Independent claim 9 recites (in paraphrase and among other things) a first color space that is device-dependent and a second color space that is device-independent. While the Spaulding reference may articulate different color schemes in lines 25 - 30 of Column 4, the reference fails to teach or suggest a first color space that is device-dependent and a second color space that is device-independent. Therefore, because a prior art reference needs to provide as much detail as is contained in the claim for an anticipation rejection to be proper (and the Spaulding reference fails to do so, as explained above), independent claim 9 is patentable. *See* M.P.E.P. § 2131.

II. Rejection of Claims 5 and 7 Under 35 U.S.C. § 103 in View of Spaulding and U.S.P. No. 6,411,304 to Sembra

Claim 7 is herein cancelled without prejudice or disclaimer, obviating the rejection as to this claim.

Claim 5 stands rejected under 35 U.S.C. § 103 in view of Spaulding and U.S.P. No. 6,411,304 to Sembra. This rejection is respectfully traversed as follows.

Claim 5 depends from independent claim 1, and thereby incorporates all of the features of claim 1. As noted above, the Spaulding reference is deficient as to the features of claim 1. Sembra fails to cure these deficiencies. Accordingly, Applicant respectfully asserts that claim 5 is patentable at least by virtue of its dependency upon independent claim 1.

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III. Rejection of Claim 8 Under 35 U.S.C. § 103 in View of Spaulding and U.S.P. No. 5,857,063 to Poe

Claim 8 stands rejected under 35 U.S.C. § 103 in view of Spaulding and U.S.P. No. 5,857,063 to Poe. This rejection is respectfully traversed as follows.

Claim 8 depends from independent claim 1 and thereby incorporates all of the features of claim 1. The Spaulding reference is deficient as to the features of claim 1 (as noted above). The Poe reference fails to cure these deficiencies. Accordingly, Applicant respectfully asserts that claim 8 is patentable at least by virtue of its dependency upon independent claim 1.

IV. Conclusion

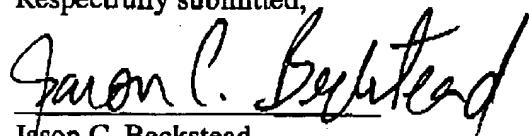
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: April 16, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.114(c) is being facsimile transmitted to the U.S. Patent and Trademark Office this 16th day of April, 2004.



Thea R. Wagner